

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-08-352-JHP
	)	
CASEY O'DELL, a/k/a	)	
CASEY RAY O'DELL,	)	
	)	
Defendant.	)	

REPORT AND RECOMMENDATION

This matter comes before this Court on the Motion for Deficiency Judgment filed by Plaintiff on June 15, 2010 (Docket Entry #22). By Order entered June 22, 2010, United States District Judge James H. Payne, the judge presiding over this case, referred the subject Motion to the undersigned for the purpose of entering a Report and a Recommendation as to its final disposition. To that end, this Court conducted a hearing on the Motion on July 27, 2010. Jeanette Windsor, Assistant United States Attorney representing Plaintiff was the sole attendee.

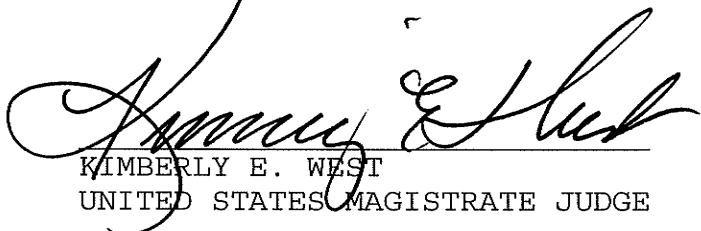
Plaintiff seeks a deficiency judgment against Defendant Casey O'Dell after the lien securing a promissory note issued to Defendant by Plaintiff was found to be superior and was foreclosed upon certain collateral; namely, cattle. Plaintiff solicited the testimony of Stephen Gregory, a farm loan specialist with the Farm Service Agency. Mr. Gregory testified that, after foreclosure, the United States Marshal's Service attempted to seize the cattle securing the promissory note at issue in this case. However, no

cattle remained in Defendant's possession such that the entire amount due was deficient and remained unpaid. As a result, the deficiency on the judgment is \$159,096.59 as of April 28, 2009 when judgment was entered in favor of Plaintiff in this action. In light of the Judgment entered by the Court and the amount left due and owing as a result of the inability to sell the collateral securing the promissory note, this Court finds and recommends that a deficiency judgment be entered in the amount stated.

BASED UPON THE FOREGOING, IT IS THE RECOMMENDATION OF THE UNDERSIGNED that the Motion for Deficiency Judgment filed by Plaintiff on June 15, 2010 (Docket Entry #22) be **GRANTED** and that a deficiency judgment be entered in favor of the United States of America and against Defendant Casey O'Dell, a/k/a Casey Ray O'Dell in the amount of \$159,096.59.

The parties are herewith given fourteen (14) days from the date of the service of this Report and Recommendation to file with the Clerk of the court any objections, with supporting brief. Failure to object to the Report and Recommendation within fourteen (14) days will preclude appellate review of the judgment of the District Court based on such findings.

IT IS SO ENTERED this 27<sup>th</sup> day of July, 2010.

  
KIMBERLY E. WEST  
UNITED STATES MAGISTRATE JUDGE